

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**TROUT POINT LODGE, LIMITED,
a Nova Scotia Limited Company,
VAUGHN PERRET, and CHARLES LEARY**

PLAINTIFFS

v.

CAUSE NO. 1:12CV90-LG-JMR

DOUG K. HANDSHOE

DEFENDANT

**ORDER GRANTING MOTION TO EXAMINE JUDGMENT DEBTOR AND
ORDERING PLAINTIFFS TO APPEAR IN COURT**

BEFORE THE COURT is the [77] Motion to Examine Judgment Debtor by Defendant Doug K. Handshoe. Plaintiffs have not filed any opposition to the Motion, and upon review of the relevant law, the Court finds that the Motion should be granted.

The Court awarded Defendant Handshoe \$48,000 in statutory attorney's fees on December 11, 2013. (*See* Order, ECF No. 56). Handshoe represents that, to date, Plaintiffs have not paid any of this amount. As a result, he states that he

desires to examine the judgment debtor[s] on matters pertaining to the judgment debtor's [*sic*] property, pursuant to Miss. Code § 13-1-261, et seq., to have the judgment debtors produce, in court, certain of their books, papers, and documents, which are in the judgment debtors' possession and which are material to this case; and to examine the judgment debtors personally in relation to the above matters and documents

(Mot. 1-2, ECF No. 77).

Federal Rule of Civil Procedure 69(a)(2) states that "[i]n aid of the judgment or execution, the judgment creditor . . . may obtain discovery from any person – including the judgment debtor – as provided in these rules or by the procedure of

the state where the court is located.” Mississippi state law provides that “the judgment creditor may examine the judgment debtor, his books, papers or documents, upon any matter relating to his property as provided in Sections 13-1-261 through 13-1-271” of the Mississippi Code. *See* Miss. Code § 13-1-261. That law states, in pertinent part, that

[o]n ex parte written motion of the judgment creditor . . . , the court shall order the judgment debtor to appear in court for examination at a time fixed by the court, not less than five (5) days from the date of service on him of the motion and order, and to produce any books, papers, and other documents relating to his property described in the motion; provided, however, that satisfaction of the judgment shall discharge the judgment debtor for his responsibility to appear for the examination as ordered by the court.

Miss. Code § 13-1-265. Thus, in accordance with Rule 69 and the applicable state law, the Court finds that the Motion of the judgment creditor Handshoe is well-taken.

IT IS THEREFORE ORDERED AND ADJUDGED that the [77] Motion to Examine Judgment Debtor by Defendant Doug K. Handshoe is **GRANTED**. Plaintiffs are **ORDERED** to appear in this Court on **November 1, 2016, at 10:00 a.m.**, for examination as discussed herein, and to bring with them to the examination the books, papers, and other documents described in the [77] Motion. In lieu of appearing, Plaintiffs may elect to file proof with the Court that they have satisfied the subject judgment against them.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant shall serve a copy of the [77] Motion and this Order on Plaintiffs and file proof of same

with the Court **no later than seven (7) days** prior to the date set for the examination.

SO ORDERED AND ADJUDGED this the 20th day of September, 2016.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE